

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

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**May 4, 2004**

**FROM: PATRICK J. MEAD**, Interim Director  
Department of Public Works - **Transportation**

**SUBJECT: CHANGE ORDERS NO. 10, NO. 11 AND NO. 12 TO CONTRACT NO. 03-946  
WITH DIVERSCAPE, INC.**

**RECOMMENDATION:** Approve amendment (Contract Change Orders No. 10, No. 11 and No. 12) to Contract No. 03-946 with Diverscape, Inc. of Winchester, decreasing the contract amount by \$203 from \$445,654 to \$445,451, for revisions to construction of Landscaping at the Etiwanda Avenue interchange with Route 10 in the Fontana area (4 votes required).

**BACKGROUND INFORMATION:** On September 16, 2003, the Board approved Contract No. 03-946 with Diverscape, Inc. in the amount of \$409,695 and authorized a contingency fund of \$40,969 for landscape construction consisting of various plants, an irrigation system, and decorative landscape at the Etiwanda Avenue Interchange with Interstate Route 10. Nine (9) previous CCOs in the total cumulative amount of \$35,959 have been approved for the project.

At this time, the Department is recommending approval of three additional CCOs, as follows:

CCO No. 10 in the amount of \$1,000 (0.24% of the original contract amount) provides compensation to the contractor for installation of missing electrical conduits, boxes, and connections to the power source for the irrigation controllers. These items are shown on the approved plans as existing but had not been installed under previous contracts as anticipated. This work is required to complete the irrigation system as shown on the approved drawings. The CCO has been approved by the Caltrans oversight engineer. Compensation to the contractor will be at an agreed lump sum price of \$1,000. It has been determined that this price is fair based on an analysis submitted by the contractor and verified by the project engineer.

CCO No. 11 in the estimated amount of \$3,000 (0.73% of the original contract) provides compensation to the contractor for pickup and removal of rock and debris from trenching operations. The CCO has been approved by the Caltrans oversight engineer. This project is governed by Caltrans' Standard Specifications which specify in Section 20-5.03D, "Trenching and Backfilling," that removing and disposing of rocks and debris encountered during the trenching operations shall be paid for as extra work as provided in Section 4-1.03D. Payment will be based on the actual cost for labor, equipment and materials required for the work in accordance with Section 9-1.03, "Force Account Payment," of the same Standard Specifications.

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CCO No. 12 provides for a decrease in compensation to the contractor of \$4,203 (-1.03% of the original contract) due to changes in the materials and quantities required for the work resulting from relocation of water meters. The CCO has been approved by the Caltrans oversight engineer. The agreed lump sum price reduction of -\$4,203 is based on quantities for the various materials involved and unit prices from a pricing detail provided by the contractor as required by the Special Provisions for the project.

The total increases for all change orders requested to date for this project, including these changes, is \$35,756 (8.73% of the original contract). For this project, in accordance with Section 20136(c) of the Public Contract Code, Board approval by a vote of two-thirds (4 votes) is required for changes that authorize cost increases that exceed an aggregate of \$32,984.

**REVIEW AND APPROVAL BY OTHERS:** This item was reviewed and approved by Deputy County Counsel Charles S. Scolastico (387-5481) on April 21, 2004 and by the County Administrative Office (Tom Forster, Administrative Analyst, 387-4635) on April 25, 2004.

**FINANCIAL IMPACT:** The combined estimated cost of CCO No. 10, No. 11 and No. 12 is a net decrease of -\$203 and will serve to increase the contingency fund balance. The contingency fund balance, including CCO No. 10, No. 11 and No. 12 will be \$5,213.

**COST REDUCTION REVIEW:** The County Administrative office has reviewed this item and concurs with the Department's recommendations because the changes are needed to complete the project in accordance with approved plans and specifications. This item has no impact on the County General fund.

**SUPERVISORIAL DISTRICT(S):** 2<sup>nd</sup> & 4<sup>th</sup>

**PRESENTER:** Patrick J. Mead, 387-7906

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